

 <h2 style="text-align: center;">PROPOSED RULE MAKING</h2>	<h3 style="text-align: center;">CR-102 (June 2004)</h3> <p style="text-align: center;">(Implements RCW 34.05.320) Do NOT use for expedited rule making</p>
Agency: Department of Labor and Industries	
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 04-03-084 ; or <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<p>Title of rule and other identifying information: Chapter 296-155 WAC, Safety Standards for Construction Work</p> <p>After the department adopted rules protecting flaggers in construction sites in January 2001, WISHA received requests from stakeholders to review the rules regulating protection of construction workers on the construction sites. There have been eight fatalities since 1999 that could have been prevented with rules that are more protective of construction workers. The rule is intended to reduce or eliminate the number of serious injuries and fatalities by increasing worker protection from vehicular traffic on construction sites. The department has adopted an emergency rule to address the hazards presented by backing dump trucks. This proposal will include these and other protective requirements.</p> <p>In May of 2004, the Department filed an emergency rule to address the 6 preventable fatalities since 1999 of workers being backed over by dump trucks.</p>	
<p>Hearing location(s):</p> <p>Date: September 14, 2004 at 9:30 a.m. Date: September 17, 2004 at 1:30 p.m.</p> <p>Westcoast Ridpath Hotel Department of Labor and Industries</p> <p>Room: Legend A Room: Auditorium</p> <p>515 W. Sprague Ave. 7273 Linderson Way S.W.</p> <p>Spokane, WA 99201 Tumwater, WA 98501</p>	<p>Submit written comments to:</p> <p>Jamie Scibelli, Administrative Regulations Analyst Department of Labor and Industries, WISHA Division PO Box 44620 Olympia, WA 98504-4620 FAX (360) 902-5529 By September 24, 2004</p>
<p>Date of intended adoption: November 17, 2004 (Note: This is NOT the effective date)</p>	<p>Assistance for persons with disabilities: Contact Sally Elliott by August 31, 2004 yous235@lni.wa.gov or (360) 902-5484</p>
<p>Purpose of the proposal and its anticipated effects, including any changes in existing rules:</p> <p>The rule contains requirements relating to hazards on construction work sites. For anticipated effects, see the department's Small Business Economic Impact Statement (SBEIS) and Cost-Benefit Analysis (CBA).</p> <p>Reasons supporting proposal: See attachment a.</p>	
<p>Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060</p>	<p>Statute being implemented: Chapter 49.17 RCW</p>
<p>Is rule necessary because of a:</p> <p>Federal Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Federal Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No State Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, CITATION:</p>	<p style="text-align: center;">CODE REVISER USE ONLY</p> <p style="text-align: center;">WSR#04-14-083</p>
<p>DATE July 6, 2004</p>	
<p>NAME (type or print) Paul Trause</p>	
<p>SIGNATURE</p>	

TITLE
Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
na

Name of proponent: (person or organization) Department of Labor & Industries

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.... Michael Silverstein	Tumwater	(360) 902-5495
Enforcement..... Michael Silverstein	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Trista Zugel, Economic Analyst
Department of Labor and Industries
Legislative and Governmental Affairs
Post Office Box 44001
Olympia, Washington 98504
Telephone: (360) 902-6805
Fax: (360) 902-4202
Email: zugy235@lni.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Trista Zugel, Economic Analyst
Department of Labor and Industries
Legislative and Governmental Affairs
Post Office Box 44001
Olympia, Washington 98504
Telephone: (360) 902-6805
Fax: (360) 902-4202
Email: zugy235@lni.wa.gov

☐ No: Please explain:

- (a) State-initiated amendments are proposed in response to stakeholder requests that the department adopt permanent rules to protect construction site employees. In addition, the department is proposing to rewrite and clarify requirements relating to hazards on construction sites. The following is being proposed:

Chapter 296-155 WAC
Safety Standards for Construction Work

WAC 296-155-165, Lighting and illumination.

- Remove language in this section and add a reference to the lighting requirements in WAC 296-800-210, Lighting of the Safety and Health Core Rules.
- No additional compliance requirements are being established.

WAC 296-155-200, General Requirements.

- Change the title of this section to “General Requirements for Personal Protective Equipment (PPE).”
- Reorganize and rewrite this section for clarity.
- Add definitions of “hours of darkness,” “short-sleeved shirt” and “long pants.”
- Add helpful references to other WISHA rules.
- Change requirement for high-visibility garments at night to meet Class 2 specifications of ANSI/ISEA 107-1999.
- Add a note explaining how to obtain ANSI/ISEA 107-1999.

WAC 296-155-300(7), Traffic Signs.

- Update the reference to the Washington State Department of Transportation’s Manual on Uniform Traffic Control Devices (MUTCD).
- Add a note explaining how to obtain the MUTCD.
- No additional compliance requirements are being established.

WAC 296-155-305, Signaling and Flaggers.

- Reorganize and rewrite this section for clarity.
- Add a title of (1) as “General requirements for signaling and flaggers.”
- Rewrite this section to clarify when the requirements of this section apply and when the MUTCD applies.
- Add definition of “flagger.”
- Update the references to the Washington State Department of Transportation’s Manual on Uniform Traffic Control Devices (MUTCD).